IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VICTORIA EVANOFF, as Administrator of : CIVIL ACTION

the ESTATE OF JOHN EVANOFF,

DECEASED : No. 5:23-cv-03417-JFL

Plaintiff,

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VS.

MARSH USA, LLC,

THERESE PERRETTE, and

JOHN DOE DEFENDANTS # 1-2

Defendants.

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DEFENDANTS' DAUBERT MOTION TO EXCLUDE THE EXPERT REPORT AND TESTIMONY OF BOBBIJO CURLEY

AND NOW, Defendants Marsh USA, LLC ("Marsh USA") and Therese Perrette (together, "Defendants"), by and through their undersigned counsel, Goldberg Segalla LLP, respectfully submit this *Daubert* Motion to Exclude the Expert Report and Testimony of Plaintiff's Expert BobbiJo Curley, CSP.

A brief in support of this motion is being filed simultaneously herewith and is incorporated herein by reference. This Motion is being filed contemporaneously with Defendants' Motion for Summary Judgment with supporting exhibits, which are referred to herein.

WHEREFORE, Defendants respectfully request that the Court enter Order, substantially in the form appended hereto, excluding the expert report and testimony of BobbiJo Curley, CSP.

Respectfully submitted,

Dated: February 5, 2024 GOLDBERG SEGALLA LLP

/s/ Michael P. Luongo

Michael P. Luongo, Esq. (PA I.D. No. 311948) 1700 Market Street, Suite 1418 Philadelphia, PA 19103 T: 267.519.6852

F: 267.519.6852

mluongo@goldbergsegalla.com

Attorneys for Defendants Marsh USA, LLC and Therese Perrette

CERTIFICATE OF NON-CONCURRENCE

I, Michael P. Luongo, Esq., hereby certify that I contacted counsel for Plaintiff regarding possible concurrence with Defendants' *Daubert* Motion and that Plaintiff's counsel indicated non-concurrence.

s/ Michael Luongo
Michael P. Luongo, Esq.

Dated: February 5, 2024

CERTIFICATE OF SERVICE

I, Michael P. Luongo, Esq., hereby certify that a true and correct copy of the forgoing *Daubert* Motion was served on all counsel of record via ECF on the date below.

<u>s/ Michael Luongo</u> Michael P. Luongo, Esq.

Dated: February 5, 2024